

SERVICE DATE - MAY 24, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 153X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN MONROE COUNTY, IA

Decided: May 18, 2001

By decision and notice of interim trail use or abandonment (NITU) served September 1, 2000, Union Pacific Railroad Company (UP) was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a line of railroad known as the Oskaloosa Subdivision, extending between milepost 312.1 near Eddyville and milepost 322.9 near Maxon, a distance of 10.8 miles in Monroe County, IA.¹ The exemption was made subject to standard employee protective conditions and to the conditions that UP shall: (1) consult with the U.S. Department of the Interior, Fish and Wildlife Service (FWS), prior to engaging in any salvage activities; (2) during salvage operations, (a) avoid possible conversion of wetlands, (b) make sure that highly erodible land is covered under an acceptable conservation plan, and (c) contact John Freiden, District Conservationist with the Natural Resources Conservation Service (NRCS); (3) notify the National Geodetic Survey (NGS) 90 days prior to any salvage activities in order to plan for the relocation of any geodetic station markers that may be affected by the proposed abandonment; (4) leave intact all of the right-of-way between milepost 315.1 and milepost 322.9, including bridges, trestles, culverts and tunnels (but not track and track materials), for a period of 180 days from the effective date of the decision and notice, to enable any State or local government agency or other interested person to negotiate the acquisition of the line for public use;² and (5) comply with the terms and conditions for implementing interim trail use/rail banking as set forth in the decision and notice.³

¹ By letter filed on February 15, 2001, UP gave notification that the northern segment of the line between mileposts 312.1 and 315.0 had been conveyed to the sole shipper, Cargill, Incorporated.

² The public use condition expired on March 30, 2001.

³ By letter filed on January 24, 2001, Iowa Trails Council (Iowa Trails), the trail user in this proceeding, filed a request for an extension of the negotiating period for 180 days. By letter filed on February 13, 2001, UP and Iowa Trails requested modification of the NITU to include the segment of rail line from milepost 315.0 to milepost 315.1. By decision and amended NITU served February 26, 2001, the requests were granted.

In the September 1, 2000 decision and NITU, UP was also exempted from the offer of financial assistance requirements of 49 U.S.C. 10904 and the public use requirements of 49 U.S.C. 10905 for the northern segment of the line between milepost 312.1 and milepost 315.1. The exemption became effective: (1) with respect to the line segment between mileposts 312.1 and 315.1 on September 1, 2000, and (2) with respect to that portion of the line between mileposts 315.1 and 322.9 on October 1, 2000. By decision served December 15, 2000, an additional environmental condition was imposed requiring that UP, prior to engaging in any salvage activities, consult with the U.S. Army Corps of Engineers, Rock Island District (Corps), to determine if permits are necessary.

By letter filed on April 23, 2001, UP requests that two of the environmental conditions imposed in the September 1 decision and the environmental condition imposed in the December 15 decision be removed. In support, UP attaches letters from FWS, NRCS, and the Corps. In these letters, FWS states that it has no objection to the abandonment, NRCS states that the abandonment does not appear to have any negative impact on wetlands, and the Corps indicates that the abandonment does not require Department of the Army permits. Upon review of the submitted correspondence, the Board's Section of Environmental Analysis recommends that the noted environmental conditions be removed. Accordingly, the proceeding will be reopened and those previously imposed conditions will be removed.⁴

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the environmental conditions involving FWS, NRCS, and the Corps are removed.
3. This decision is effective on its date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

⁴ The condition imposed in the September 1 decision relating to NGS remains in effect.